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August 28, 2009

**CM/ECF &  
First-Class Mail**

Hon. Leonard D. Wexler  
Senior United States District Judge  
Long Island Federal Courthouse  
944 Federal Plaza  
Central Islip, New York 11722

Re. Englander v. DiNapoli, CV 09-02498 (LDW/ETB)

Dear Judge Wexler:

Pursuant to the Stipulation and Order entered on July 29, 2009 (Docket Entry 5), I am forwarding herewith the Decision of the Honorable Gerald W. Connolly, A.J.S.C., in *D'Agostino v. DiNapoli*, Index No 8134-08 (Sup. Ct. Albany Co. Aug. 20, 2009).

Consistent with the decision in *D'Agostino*, the Office of the State Comptroller will be resuming the payment of pension benefits to Plaintiff Englander, and will be paying him any arrears presently owing. In addition, the Comptroller will be affording Plaintiff with appropriate due process before taking further measures to suspend or revoke his retirement benefits or service credits.

Respectfully submitted,

*s/ Douglas J. Goglia*

Douglas J. Goglia  
Assistant Attorney General

Hon. Leonard D. Wexler  
Senior United States District Judge

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cc. Hon. E. Thomas Boyle  
United States Magistrate Judge  
United States District Court  
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